

REMARKS

This responds to the Office Action mailed on December 28, 2006.

Claim 16 is amended, claims 1-15 and 21-22 are withdrawn, and no claims are added; as a result, claims 16-20 are now pending in this application.

Affirmation of Election

As provisionally elected by Applicants' representative, **Andre Marais**, on September 22, 2006, Applicants elect to prosecute the invention of Group IJ, claims 16-20.

The claims of the non-elected invention, claims 1-15 and 21-22, are hereby withdrawn. However, Applicants reserve the right to later file continuations or divisions having claims directed to the non-elected inventions.

§103 Rejection of the Claims

Claims 16-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hurwitz et al. (U.S. 6,748,366, hereinafter "Hurwitz") in view of Brewin et al. (UPS: Tightly Linked to its Customers", March 19, 2001, hereinafter "Brewin").

Applicants respectfully submit that the Office Action did not make out a *prima facie* case of obviousness. Applicant contends that even if combined, the cited references fail to teach or suggest all of the elements of Applicants' claimed invention¹.

Claim 16 recites:

A system comprising:

a web server; and

an integrated shipping server, linked in communication with the web server,

the web server and integrated shipping server, acting as an intermediary server between a sender and a shipping vendor, comprising software instructions that when executed enable the sender to arrange for shipment of a package to a recipient via the shipping vendor by performing operations, by the integrated shipping server, including:

¹ The reference (or references when combined) must teach or suggest all the claim elements. M.P.E.P. § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)).

generating and serving web pages via which shipping information pertaining to the shipment may be automatically entered and/or manually entered by the sender; and

interacting with an on-line interface hosted by the shipping vendor to arrange for shipment of the package via the shipping vendor through use of the shipping information;

receiving shipping data pertaining to the shipment from the shipping vendor, said shipping data including data corresponding to a shipping label; and

generating and serving a web page via which the shipping label may be printed.

(Emphasis added to show claimed structure not included in the combination proposed in the Office Action)

Hurwitz is directed to a person-to-person electronic commerce system that protects the anonymity of buyers and sellers. In some embodiments of the invention a trusted intermediary is interposed between the buyer and seller during the transaction fulfillment process. (Abstract)

The Office Action alleges that in Figure 2, item 26, Hurwitz discloses generating and serving web pages via which information pertaining to the shipment may be automatically entered and/or manually entered by the sender. Item 26 of Figure 2 recites "Auction site sends order, buyer and seller information to trusted intermediary." Thus, in Hurwitz, the auction site sends information to a trusted intermediary. However, the trusted intermediary in Hurwitz does not *generate and serve web pages via which shipping information . . . may be . . . entered by the sender* as amended claim 16 requires. In other words, Hurwitz does not teach an *integrated shipping server* "generating and serving web pages via which shipping information pertaining to the shipment may be automatically entered and/or manually entered by the sender," as recited in claim 16.

The Examiner further quotes from Hurwitz:

"At block 26 of FIG. 2, the auction site sends the transaction, buyer, and seller information to the trusted intermediary. . . . At block 30 of FIG. 2, the trusted intermediary arranges for shipping of the goods with shipper 18, generates an electronic machine readable mailing label for the seller to attach to the goods, and electronically sends the label to the seller 12 with instructions to take the package containing the goods to the shipper's drop-off site. . . . The encryption of the label"

(Col. 3, line 65 –Col 3. line 20) (Emphasis added)

In the above passage, the trusted intermediary receives information from the auction sites. However, the Office Action includes no showing that in Hurwitz the trusted intermediary receives shipping data . . . from the shipping vendor. Consequently, Hurwitz does not disclose a

system where *the web server and integrated shipping server acting as an intermediary server* are “. . . *receiving shipping data pertaining to the shipment from the shipping vendor, said shipping data including data corresponding to a shipping label,*” as recited in amended claim 16.

The Office Action at page 3 concedes that Hurwitz does not specifically mention that the shipping label is printed from a web page, and states that Brewin teaches using a UPS browser to print out a shipping label. Brewin specifically describes

“Rutner uses the UPS browser to print out the shipping label, complete with the bar codes containing routing and delivery information essential to getting the monitor through the UPS hubs in Frankfurt and Cologne².”

However, in the above quoted text, Rutner (the sender) prints the shipping label via a shipping vendor (UPS) browser and does not print the shipping label via a web page generated and served by an integrated shipping server, acting as an intermediary server between a sender and a shipping vendor as claim 16 requires. As such, Brewin does not disclose the claim feature of, “*by the integrated shipping server. . . generating and serving a web page via which the shipping label may be printed,*” as recited in claim 16. Thus, Hurwitz and Brewin, viewed either individually or in the combination proposed in the Office Action, fail to teach each and every element of claim 16. Therefore, Applicants respectfully submit that, at least for the reasons set forth above, claim 16 and its dependent claims 17-20 are not rendered obvious by the combination and it is requested the claim rejections under 35 U.S.C. § 103(a) be withdrawn.

² Rutner, page 2, par. 3.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at 408-278-4053 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Reservation of Rights

In the interest of clarity and brevity, Applicants may not have addressed every assertion made in the Office Action. Applicants' silence regarding any such assertion does not constitute any admission or acquiescence. Applicants reserve all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicants do not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicants timely object to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicants reserve all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

Respectfully submitted,

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By their Representatives,

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Date 3/28/2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28 day of March 2007.

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